

EXHIBIT A

No. DC-21-00333

**Chemtov Mortgage Group,
CMG 777 ESCROW3 LLC,
CMG 777 ESCROW4 LLC,
CMG 777 ESCROW5 LLC, and
CMG DHC ESCROW7 LLC**

In the District Court

Dallas County, Texas

vs.

191ST

**Wright Brothers Aircraft
Title, Inc.**

_____ Judicial District

Petitioner's Rule 202 Petition to Investigate Suit

To the Honorable Judge of this Court:

Petitioners, Chemtov Mortgage Group, CMG 777 ESCROW3 LLC, CMG 777 ESCROW4 LLC, CMG 777 ESCROW5 LLC, and CMG DHC ESCROW7 LLC (collectively, “the CMG Entities”) file this Petition for the Rule 202 discovery of the Respondents and Third Parties, and in support thereof, would respectfully show the Court the following:

PARTIES

Chemtov Mortgage Group, Inc. (“C.M.G.”) is a mortgage company based in Miami, Florida that specializes in strategic aircraft purchase related transactions.

CMG 777 ESCROW3 LLC is a Florida corporation that is a special purpose vehicle created as part of C.M.G.’s business operations to provide escrow funds in the amount of \$30,000,000 (thirty million dollars) to Wright Brothers Aircraft Title, Inc. for aircraft financing transactions, pursuant to written contracts covering such funds.

CMG 777 ESCROW4 LLC is a Florida corporation that is a special purpose vehicle created as part of C.M.G.’s business operations to provide escrow funds in the amount of

\$10,000,000 (ten million dollars) to Wright Brothers Aircraft Title, Inc. for aircraft financing transactions pursuant to written contracts covering such funds.

CMG 777 ESCROW5 LLC is a Florida corporation that is a special purpose vehicle created as part of C.M.G.'s business operations to provide escrow funds in the amount of \$30,000,000 (thirty million dollars) to Wright Brothers Aircraft Title, Inc. for aircraft financing transactions, pursuant to written contracts covering such funds.

CMG DHC ESCROW7 LLC is a Florida corporation that is a special purpose vehicle created as part of C.M.G.'s business operations to provide escrow funds in the amount of \$5,000,000 (five million dollars) to Wright Brothers Aircraft Title, Inc. for aircraft financing transactions, pursuant to written contracts covering such funds.

Wright Brothers Aircraft Title, Inc. is an Oklahoma company that specializes in aircraft purchase related financial transactions, and together with its affiliates, does business throughout the world with bases of operation in Texas and Oklahoma.

DISCOVERY PLAN

Petitioners intend to conduct discovery pursuant to Rule 202 and consistent discovery limitations propounded under Level 2 of TRCP Rule 190.3. Specifically, Petitioners intend to issue deposition by written questions on the following deponents:

- 1) Wright Brothers Aircraft Title, [REDACTED]
[REDACTED]
- 2) Debbie Mercer-Erwin, [REDACTED]
[REDACTED]
- 3) Kayleigh Moffett, [REDACTED]
- 4) Bank of America, [REDACTED]
[REDACTED]

All depositions by written questions will seek information about the transactional history and current status of the funds deposited by the CMG Entities into trust accounts controlled and maintained by Wright Brothers Aircraft Title.

JURISDICTION AND VENUE

Jurisdiction is proper given that witnesses from whom evidence is sought does business in Dallas County and that the amount in controversy exceeds the minimum jurisdictional limits of this Court.

Venue is proper in Dallas County as no suit is currently anticipated and a witness from whom evidence will be sought resides in Dallas County.

FACTUAL BACKGROUND

This 202 Lawsuit arises out of a series of deposits made into escrow accounts at a title company shortly before the title company ceased communicating with the depositors. Plaintiffs now seek information regarding the status of their funds which were deposited with the title company in order to investigate potential claims against the title company.

From November 2019 until September 2020, the CMG Entities deposited in the aggregate approximately \$75 million dollars with Wright Brothers related to the sale of airplanes, as part of eight transactions. All of the funds deposited by the CMG Entities were deposited with Wright Brothers pursuant to written, escrow agreements that, among other things, required Wright Brothers to maintain the deposited funds in trust accounts, and to remit the funds back to the CMG Entities on demand.

On or about December 18, 2020, the CMG Entities became aware that certain Wright Brothers' accounts into which the CMG Entities had deposited funds may have been seized by

the governmental authorities. Since that time, the CMG Entities have repeatedly tried contacting Wright Brothers by, among other attempts, calling and emailing the individuals executives, the corporate offices, and counsel for Wright Brothers. Notwithstanding the repeated inquiries, and notwithstanding the contractual provisions in the escrow agreements, Wright Brothers has not provided the CMG Entities with any information regarding the status of the CMG Entities' deposited funds. The CMG Entities file this 202 lawsuit in order to determine if the deposited funds can be properly accounted for, or if the CMG Entities have a cause of action for improper or unauthorized transfer or use of their funds.

ARGUMENT and AUTHORITIES

Texas Rule of Civil Procedure 202 allows parties to take depositions, including depositions by written questions before a lawsuit is filed in order to investigate a potential claim or suit. Tx. R. Civ. P. 202(a); *In re Emergency Consultants, Inc.*, 292 S.W.3d 78, 79 (Tex. App.—Houston [14th Dist.] 2007, orig. proceeding) (per curiam). In this case, the CMG Entities are attempting to establish whether the funds deposited with Wright Brothers are being maintained as provided for in the applicable escrow agreement contract, and/or whether Wright Brothers or any other responsible parties have transferred the deposited funds in to one or more other accounts. The subpoenaed documents are necessary to determine if there are viable claims and recognized damages against the Respondents. The Plaintiffs' property interests in these substantial sums of money are significant. Given the narrow scope of the deposition topics, the burden upon the Respondents and the Third Parties to answer questions and produce requested documents is minimal. Accordingly, the CMG Entities specifically request that the Court

shorten the period of time to respond to the depositions by written questions to ten days from the date of service of the order upon the deponents.

For these reasons, Petitioners respectfully request that this Court order the Rule 202 depositions by written questions of Respondents and Third Parties in order to investigate a potential lawsuit and for such other and further relief to which these parties may show themselves justly entitled.

Respectfully submitted,

/s/ Arnold A. Spencer

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CMG 777 ESCROW3, LLC, CMG 777
ESCROW4, LLC, CMG 777 ESCROW5,
LLC, and CMG DHC ESCROW7 LLC

VERIFICATION

My name is Shawn Chemtov. I am over 21 years of age and legally able to provide a sworn verification. I have reviewed the above Petition and declare under Penalty of Perjury and pursuant to Texas Civil Practice and Remedies Code Section 132.001 that the facts presented above are true and correct to the best of my knowledge and belief.



Shawn Chemtov

No. _____

Chemtov Mortgage Group,

In the District Court

vs.

Dallas County, Texas

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_____ **Judicial District**

Order

Having reviewed the verified complaint, and considered the law and Rules of Procedure, this Court finds that, pursuant to Texas Rule of Civil Procedure 202.4(a), the likely benefit of allowing the Petitioners to take the requested Depositions by Written Question to investigate a potential claim outweighs the burden or expense of the procedure.

The Court therefore orders that the Petitioners are authorized to notice Depositions by Written Questions to each of the deponents. The Depositions will take place at a time and place agreeable to all parties, but not later than ten days after the service of notice on the deponent. The depositions topics will be consistent with and limited to the topics identified in the Petition.

District Court Judge

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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